

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

4 UNITED STATES OF AMERICA) Docket No. A 12-CR-105(3) SS
5)
6 vs.) Austin, Texas
7)
8 HADI ALI YASSINE) January 25, 2013

9 TRANSCRIPT OF SENTENCING
10 BEFORE THE HONORABLE SAM SPARKS
11
12

13 APPEARANCES:

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25 Proceedings reported by computerized stenography, transcript
produced by computer.

10:16:10 1 THE COURT: Mr. Morris, if you and Mr. Yassine will
10:16:15 2 come forward, please.

10:16:26 3 State your name, please, sir, and your birth date.

10:16:28 4 THE DEFENDANT: Hadi Yassine, July 4, 1976.

10:16:32 5 THE COURT: Mr. Yassine, before I sentence you, you
10:16:35 6 have the right to say anything that you wish. You're not
10:16:38 7 required to say anything, but you have that right. I'll be glad
10:16:40 8 to listen to you.

10:16:43 9 THE DEFENDANT: Yes, your Honor.

10:16:52 10 Your Honor, this past year, I was faced with the worst
10:16:57 11 experience of my life, and since then, so much has changed.
10:17:03 12 Also, something amazing happened. I'm experiencing something now
10:17:07 13 that I never have before. What my wife and I have tried for a
10:17:12 14 year and a half finally happened. We were expecting our first
10:17:17 15 child. We will have wished under different circumstances, but we
10:17:23 16 are ectatic it finally happened. Hazen Michael was born. Due to
10:17:31 17 all the stress, we almost lost our son in the events of many
10:17:34 18 complications my wife was having during pregnancy. I was very
10:17:39 19 fortunate to be out on bond and be able to take care of Ashley.
10:17:42 20 I would like to say thank you for making that possible.

10:17:47 21 My son was born two months premature, spending 36 days
10:17:52 22 in the NICU, and is now monitored regularly by his pediatrician.
10:18:00 23 Ever since my son was born, I have never felt more peace about
10:18:04 24 life. I get to say I'm a dad. My wife has also been under a
10:18:13 25 doctor's care and is being treated for depression, anxiety and

10:18:18 1 severe stress. I'm not mad nor angry, or even wanting to blame
10:18:26 2 anyone else for this happening. Every day that I get to spend
10:18:29 3 with Ashley and him has been a blessing. Ashley and Hazen are
10:18:37 4 all I have, sir. I would have been the saddest person on Earth
10:18:42 5 if I was not able to be there for them and watch Hazen grow up as
10:18:48 6 I have in the past three months.

10:18:50 7 They need me just as I need them. Just the idea of how
10:18:55 8 they would get by on a daily basis without my help scared me to
10:18:59 9 death. I can't stop thinking about who will hold my wife's hand
10:19:04 10 during the hard times, or either for Hazen when he cries. Ashley
10:19:11 11 has me now to pass him on to when she needs a break. She needs
10:19:16 12 my help, your Honor. I've learned so much from this and realize
10:19:21 13 how things could change so quickly. My view on life has
10:19:25 14 completely changed now, now that I have my son in my life.

10:19:30 15 I've learned many things throughout this ordeal. I've
10:19:33 16 learned how important the parent's job really is; also, how every
10:19:38 17 step I take as a family man calls for an extra careful decision
10:19:42 18 and the right one as it could hurt me and, most importantly, my
10:19:46 19 loved ones. My heart aches for my wife and I would be grateful
10:19:52 20 to be able to raise my son with her as she tends to forget about
10:19:56 21 herself, since she's such a devoted mother.

10:20:02 22 I have quit drinking. And I hope that the Court will
10:20:05 23 grant me probation so that I could continue to support and be
10:20:09 24 there with my family. If given the chance, I will abide by every
10:20:15 25 term of probation 100 percent as I have with this year from

10:20:22 1 Pretrial. Thank you for this opportunity to speak. And I'm
10:20:24 2 hopeful that this can give you a better insight of me personally,
10:20:28 3 your Honor.

10:20:30 4 THE COURT: Yes, sir. Mr. Morris.

10:20:32 5 MR. MORRIS: First thing, your Honor, is housekeeping.
10:20:35 6 Your ruling on the relevant conduct encompassed several of my
10:20:41 7 objections, but I want the record to be clear. I believe you
10:20:44 8 overruled my objection as to inclusion of the funds from June
10:20:49 9 21st into relevant conduct.

10:20:51 10 THE COURT: On which one?

10:20:52 11 MR. MORRIS: June 21st of 2009.

10:20:56 12 THE COURT: No. I didn't -- I sustained that objection
10:21:00 13 as well as the million dollars. I placed nothing on Mr. Yassine
10:21:09 14 before the date of the conspiracy.

10:21:12 15 MR. MORRIS: That would --

10:21:13 16 THE COURT: I placed it on Mike, because he was found
10:21:17 17 guilty of the substantive count of laundering to calculate his
10:21:28 18 guidelines. But I did not on Hadi Yassine.

10:21:32 19 MR. MORRIS: I understood you to say that you found the
10:21:35 20 amount that he's responsible for to be \$188,000? Is that
10:21:44 21 correct?

10:21:44 22 THE COURT: Yes. That's 90,000, 90,000 and the \$8,000.
10:21:48 23 That was within the conspiracy.

10:21:50 24 MR. MORRIS: The second 90,000 would be the
10:21:52 25 transaction, I believe, on June 24th.

10:21:55 1 THE COURT: That's true, and I included that. And I
10:22:00 2 came close to including another 90,000 on that because of the
10:22:04 3 same ruling that I did on the other, but I didn't.

10:22:11 4 MR. MORRIS: I understand your ruling. The point is --

10:22:13 5 THE COURT: And so, I overrule your objection on June
10:22:18 6 the 24th, 2009. That's one of those no good deed ever gets
10:22:25 7 unforgiven because I could have easily put another 90,000 on Mr.
10:22:30 8 Yassine on that day when his brother said, "I want another
10:22:35 9 hundred."

10:22:35 10 MR. MORRIS: I just want to make sure the good deed was
10:22:38 11 clear on the record, your Honor.

10:22:38 12 THE COURT: Well, I think it's clear now.

10:22:41 13 MR. MORRIS: I've asked in my sentencing memorandum
10:22:46 14 that the Court consider a sentence based on 18 U.S.C. 3553 and
10:22:52 15 basically a variance to the guideline range the Court's found.
10:22:57 16 I've pointed the Court to three categories of issues for the
10:23:02 17 Court to consider under that statute. The first is Hadi
10:23:08 18 Yassine's role in the offense. That would be the circumstance --
10:23:10 19 nature and circumstances of the offense. I'll be brief with that
10:23:14 20 because the Court has certainly sat through this trial as we all
10:23:18 21 have.

10:23:18 22 The Court is aware that "Mo" Yassine approached Hadi
10:23:27 23 Yassine to try to get him involved in the drug deal. It was
10:23:29 24 obvious from the conversation back and forth with Hadi Yassine
10:23:35 25 didn't want anything to do with that. He played some small part

1 in getting a price for a kilo quantity and then, refused to go
2 forward with setting up the deal. There is no indication that
3 Hadi Yassine actively sought to get involved in a
4 money-laundering offense. His role in the offense was not to
5 plan, execute, design the offense.

6 The evidence reflected that he may have gotten some
7 money on October the 10th, and that he got some unspecified sum
8 of money on April 30th. There were sums of money that were
9 deposited in his accounts, but there's no evidence that that was
10 the money that was involved in the money-laundering transactions.
11 You can tell from the conversations where Hadi was present when
12 some of the details were discussed, but he wasn't paying any
13 attention. He would repeat some of the details. He would get
14 them wrong. He was certainly not a big player in this offense.

15 But moving on to the next point, the circumstances of
16 Hadi Yassine. I've included as exhibits in the sentencing
17 memorandum information concerning the medical condition of Mr.
18 Yassine's son. He was born two months premature. He has ongoing
19 medical needs. His mother and Hadi attended those needs up until
20 now.

21 She doubts that her -- Hazen's physician doubts that
22 she's going to be able to continue to do that alone. Her
23 fallback position is to ask her parents to help her. Her father,
24 as the Court notes, has been diagnosed with Stage IV colon
25 cancer. Anytime, you know, I bring something like this up, I

1 know I'm inviting the response of, you know, that's using Hazen's
2 condition to try to benefit Hadi. But what else would a father
3 do in this circumstance than to ask his lawyer to present this
4 information to you and ask you to take that in consideration, and
5 look at his unique circumstance, the unique circumstance that
6 he's needed to take care of his son. That his son has this
7 special need, and that there is a sentence that the Court can
8 assess under 3553 that will meet all of the other goals of that
9 statute which would allow Mr. Yassine to care for his son.

10 I've asked the Court to consider either a split
11 sentence or a sentence of probation to allow Mr. Yassine to take
12 care of his son. But his situation with his son, I think, says
13 more about his circumstances or who Hadi Yassine is other than
14 just he needs to take care of his son. What the Court's heard
15 during the trial is basically the criminal conduct. The Court
16 didn't hear much else about Hadi Yassine.

17 There's various ways to judge someone's character,
18 various things we look for. Among those ways, I'd submit to the
19 Court, that we might agree on is to look to see how a man treats
20 his family, how he steps up when they need him in a circumstance
21 such as Mr. Yassine was presented with. How he was going to the
22 hospital at night during the trial to be with his wife, how he
23 sat with her, sat with his son. The letters reflect that when
24 her father was sick, he comforted the family during that
25 circumstance. I think that says a lot about Mr. Yassine.

10:27:20 1 There's a third circumstance that I'd ask the Court to
10:27:23 2 take into account in assessing the sentence under 3553 is what's
10:27:28 3 happened in the other cases that were involved in this
10:27:31 4 investigation. Steve Yassine was indicted along with Hadi
10:27:36 5 Yassine. Of course, he was found not guilty of the
10:27:39 6 money-laundering case. But the evidence in the trial showed that
10:27:42 7 he was, in fact, guilty of actual drug deliveries, and at least
10:27:48 8 one of those deliveries involved a firearm taken in trade, I
10:27:52 9 believe it was, for some of the drugs.

10:27:55 10 Steve Yassine negotiated a deal for a year and a day,
10:28:01 11 even though what he pled to was dealing drugs. Actually dealing
10:28:05 12 with drugs. What may be more analogous to this particular case
10:28:10 13 would be Ms. Ruales' case. The Court heard a lot of evidence of
10:28:15 14 her involvement. She was very involved. She wrote the checks.
10:28:18 15 She suggested how the checks were to be made out, who they should
10:28:21 16 be made out to on the phone. She coordinated meetings between
10:28:25 17 "Mo" Yassine and Mike Yassine. She was very involved. I don't
10:28:34 18 know exactly what's going to become of her because her
10:28:39 19 proceedings are sealed. The Court knows.

10:28:39 20 THE COURT: She hasn't been sentenced. And, of course,
10:28:41 21 Mr. Yassine, Steve Yassine has an agreement with the government
10:28:47 22 was that he waived all objections and was to be deported
10:28:52 23 following his last day in confinement. That was a pretty tough
10:28:58 24 sentence for anybody.

10:29:01 25 MR. MORRIS: But with conviction that Mr. Yassine

10:29:04 1 received in this case, that's an aggravated felony. It's not
10:29:09 2 discretionary whether he's deported unless the government drops
10:29:19 3 the ball somewhere.

10:29:19 4 THE COURT: I'm not going to comment on the immigration
10:29:23 5 court.

10:29:24 6 MR. MORRIS: Ms. Ruales hasn't been sentenced yet, but
10:29:28 7 I suspect that part of the agreement is going to be for a much
10:29:31 8 less sentence than the guideline range that Hadi Yassine's
10:29:34 9 facing.

10:29:34 10 THE COURT: May well be. I don't know. I don't know
10:29:36 11 the extent of anything about that. I have not seen anything.
10:29:41 12 But it is scheduled.

10:29:42 13 MR. MORRIS: Mr. Faiq, if I'm pronouncing that
10:29:44 14 correctly, ran off, jumped bond. I understand that failed a
10:29:53 15 urine analysis and was caught, brought back to court. He was
10:29:57 16 indicted for -- the most serious thing he was indicted for was
10:30:03 17 conspiracy to deliver in excess of five kilograms of cocaine.
10:30:06 18 That is a minimal ten-year sentence, maximum of life.

10:30:12 19 From looking at the Court's docket, it looks as though
10:30:14 20 voir dire actually began in his trial, and he pled for a
10:30:21 21 misprision of a felony, which is a statutory maximum of three
10:30:24 22 years. Whatever the Court decides the guideline range is, that's
10:30:28 23 the most he's going to get.

10:30:32 24 When we look at disparity in sentencing, I'm not sure
10:30:37 25 exactly what that means, but it must surely mean that if someone

10:30:42 1 outside of this courtroom were to look at the conduct that both
10:30:46 2 of these gentlemen were charged with engaging in, and looked at
10:30:52 3 Mr. Faiq's sentence and said, well, he's going to get a maximum
10:30:55 4 of three years, he ran off, he failed the UA, is it fair that
10:30:59 5 Hadi Yassine should get more than that? I'd submit to the Court
10:31:03 6 it's not fair.

10:31:03 7 THE COURT: Well, there's not anything fair at all, Mr.
10:31:08 8 Morris, about the sentencing guidelines. It makes no sense at
10:31:12 9 all, but it's the law. You and I both have to abide by it.
10:31:18 10 There are individual characteristics in each of those cases that
10:31:21 11 I'm not going to go into. Mr. Yassine had the same
10:31:25 12 opportunities, I am sure.

10:31:27 13 MR. MORRIS: I would not disagree with you on the
10:31:30 14 guidelines, but I would point out that the guidelines have been
10:31:34 15 held unconstitutional partly for that very reason that they're
10:31:39 16 inflexible and that 3553 --

10:31:41 17 THE COURT: Oh, I understand my discretion well.

10:31:50 18 MR. MORRIS: I'd point out the Court can do what is
10:31:56 19 reasonable. What I suggest is reasonable in this case would be a
10:31:59 20 sentence certainly not in excess of the statutory maximum that
10:32:01 21 Mr. Faiq is facing and taking into account the other factors that
10:32:06 22 I've pointed out. I'd suggest to the Court that a sentence lower
10:32:10 23 than that is, in fact, reasonable and meets the requirements of
10:32:15 24 3553.

10:32:19 25 THE COURT: Government have anything they wish to say

10:32:21 1 at this sentencing?

10:32:22 2 MR. SOFER: Your Honor, I'd ask you to impose a
10:32:24 3 guideline sentence here. Just briefly with respect to the
10:32:27 4 sentence disparity, the Court properly points out that there are
10:32:31 5 unique circumstances with respect to each of the cases that was
10:32:34 6 mentioned by counsel. He is not aware of the strength of those
10:32:41 7 cases, what the defendants may or may not have done to assist the
10:32:45 8 government, and what other rights they may have waived, and the
10:32:48 9 record will speak for itself on that. But there's no reason to
10:32:50 10 vary or depart based on his argument.

10:32:59 11 THE COURT: Probation have anything for the record?

10:33:01 12 PROBATION OFFICER: No, your Honor.

10:33:02 13 THE COURT: Anybody wish to speak at this sentencing,
10:33:03 14 please come forward.

10:33:25 15 SPEAKER: Good morning, your Honor. I would like to
10:33:35 16 thank you for this time that I need to speak about Hadi. I was
10:33:40 17 first introduced to Hadi several years ago because he was dating
10:33:48 18 my niece Ashley. We had several warm conversations together, and
10:33:54 19 he acted like I was already a part of his family. Now, he is the
10:34:03 20 wife -- he is the husband to my niece Ashley and the father to my
10:34:10 21 Hazen. We got to talk several times before we ever got to meet
10:34:15 22 face-to-face.

10:34:18 23 But once I come to Austin for a visit, Hadi took us out
10:34:21 24 for a nice meal at a restaurant that had a patio, and all the
10:34:24 25 family was together and we sit and visited. I watched Hadi, the

1 way he would look at Ashley, even when she wasn't looking, and
2 the love I see in his eyes for her, I was thrilled to find out
3 when he asked David, Ashley's dad, if he could marry her. The
4 love between these two is once in a lifetime.

5 Hadi is a good husband and now is a good dad. He loves
6 singing and dancing, even though Hazen's only three months old.
7 I don't want to think back to that he has to be without his dad,
8 without us. Hadi's always been a very giving person, rather it
9 was for a charitable cause or to a family, anybody. My life is
10 better because I have him in my life.

11 Your Honor, I really appreciate having the chance to
12 say a few of the many wonderful things about Hadi and his family.
13 I speak on behalf of all of Ashley's family with us today, and we
14 ask you to grant Hadi with probation or the minimum sentence
15 possible to keep this family together. Thank you.

16 THE COURT: Thank you, ma'am.

17 MRS. YASSINE: Good morning, your Honor. How are you?
18 Thank you for giving me this chance to speak to you about my
19 husband today. My name is Ashley Yassine. I am Hadi's wife. I
20 have had a relationship with Hadi since late 2006. I then
21 married Hadi in February of 2011, where we were finally able to
22 have our first child on October 1st, 2012. Hazen Michael. Hazen
23 was born at 32 weeks. He was eight weeks premature and remained
24 in the care of the neonatal intensive care unit at St. David's
25 Medical Center for 36 days.

1 During this time, it was very hard for us. Not only
2 was Hadi going through this trial for the case, but he was -- but
3 I was delivering our son alone, not knowing the medical
4 conditions he could be facing. Since Hadi and I -- since Hadi
5 was not able to be at the birth, as soon as trial day one was
6 adjourned, he rushed over to meet his son and to be with me.
7 When I took Hadi down to the NICU to see Hazen for the first
8 time, he looked at him through the enclosed incubator with single
9 tears of joy and hope running down his face. It was Hadi's
10 happiest day. He was finally a father.

11 I take extreme pride and compassion in the relationship
12 that Hazen and Hadi have already formed. The bond my son has for
13 his father is not one that I will be able to provide alone. Hadi
14 has spent countless late nights up with Hazen as he suffered from
15 severe colic and reflux. Hadi has taken the bulk of the weight
16 off my shoulders by helping me nurture our son. He has been
17 there with me through multiple doctors' visits and remain
18 watching for Hazen as the doctors try to diagnose the health
19 conditions that I have faced.

20 I know Hadi to be a very hard-working man who is driven
21 to help out the community. I've seen Hadi attend countless
22 number of charities. He works hard and strives to provide for
23 our family. In 2009, Hadi took pride in his business with Famous
24 Vodka and was pleased to be in business on his own. The man that
25 was perceived in your courtroom, your Honor, is not the man that

10:38:16 1 lives with me. The man that lives with me is a family man who is
10:38:19 2 a faithful father.

10:38:21 3 I am aware of the events regarding the guilty verdict,
10:38:23 4 and I truly believe that Hadi has suffered extensively through
10:38:26 5 the past ten months. Not only has he lost credibility in the
10:38:30 6 public eye, he is despondent for what he has put our family
10:38:34 7 through. He is a magnificent husband and an out-of-this-world
10:38:37 8 dad. I could not have done it without him being here these past
10:38:42 9 three months.

10:38:42 10 Your Honor, I would like to thank you for the chance to
10:38:46 11 have him out on bond so he could be with me. I do not know how I
10:38:50 12 will make it if he is not here with me after today. I have some
10:38:53 13 health issues that have came up since all the stress and
10:38:55 14 suffering. I had an MRI, lab testing done where they were not
10:38:59 15 able to diagnose my symptoms and have now referred me to a
10:39:03 16 neurologist. Hadi has been there to help me by providing
10:39:06 17 compassion and support. I depend on him for taking care of us
10:39:10 18 and our home so he will have a place to live.

10:39:12 19 If Hadi is sentenced today, your Honor, to the utmost
10:39:14 20 prison term or sent away from Hazen and I to serve an extreme --
10:39:19 21 this will serve an extreme hardship for us as we are trying to
10:39:22 22 raise a son who is under constant care by physicians for his
10:39:25 23 premature birth. I do not know how I will pay the restitution
10:39:28 24 costs and to be able to support Hazen myself if Hadi is required
10:39:32 25 to go to prison. There will be tremendous difficulties that will

1 be faced by us who are the unimpeachable in this case.

2 If Hadi was sent away from us, I will be forced to move
3 back into my parents' and ask for help from them. I do not want
4 to put the stress on my parents anymore. As you've already
5 heard, my father was diagnosed with Stage IV colon cancer at the
6 same time of the indictments, which is also the beginning of my
7 pregnancy.

8 I would like for you, Judge, to grant my husband with
9 this probation or at least the possible sentence -- lowest
10 possible sentence. I need him to be there to help me with my
11 family, Judge. I believe that the loss of credentials, his loss
12 of vocation, and the loss of respect in the community, as well as
13 the freedom he had prior to indictments that were filed in March
14 of 2012, has affected him enough for the actions that were
15 brought to the attention in your courtroom.

16 I cannot imagine that he will ever be involved in any
17 illegal activity, your Honor. I will be responsible for Hadi
18 Yassine. I will make sure that he is a law-abiding citizen,
19 which I have no doubt that his actions forthcoming, you would
20 approve of greatly. I ask that you please give permission to my
21 husband to reside with us and enable him to continue to care for
22 Hazen and I. Thank you for giving me this opportunity to speak
23 to you and hope that the information given to you helps you
24 decide the future for my husband.

25 THE COURT: Thank you for coming.

10:40:50 1 MRS. YASSINE: Thank you.

10:41:02 2 THE COURT: Mr. Morris, Mr. Yassine. Anything further?

10:41:18 3 MR. MORRIS: No, your Honor.

10:41:22 4 THE COURT: Well, Hadi Al Yassine, I sentence you to a
10:41:27 5 term in the penitentiary of 60 months on Counts 1, 3 and 4 to run
10:41:32 6 concurrent for a total of 60 months, followed by three-year term
10:41:36 7 of supervised release. As Mr. Morris indicates, you may well be
10:41:43 8 deported, and if you are deported, I place the conditions of 18
10:41:46 9 United States Code 3583 on that supervision, which means if you
10:41:51 10 attempt to come back over here illegally and are caught within
10:41:55 11 three years of your deportation, you could be sentenced again in
10:41:58 12 this case, as well as any other case, for coming over here
10:42:03 13 illegally.

10:42:03 14 In the event that you are supervised here in the United
10:42:08 15 States by the United States Probation Department, I place the
10:42:13 16 mandatory requirements by the government that you will be tested
10:42:19 17 within 15 days of your release for the use of drugs. You will
10:42:25 18 not take any illegal drugs. You will not drink alcohol. You
10:42:28 19 will be subject to drug and alcohol abuse programs in the
10:42:31 20 discretion of the United States Probation Department. You will
10:42:35 21 be also subject to mental health evaluation and counseling, in
10:42:43 22 the event it's necessary, in the discretion of the United States
10:42:47 23 Probation Department. You will pay what you can afford to pay on
10:42:52 24 those programs if you're placed in them.

10:42:54 25 You will provide any and all financial information of

10:43:00 1 any nature, including executing a release for financial
10:43:05 2 information, to assist in the payment of your liability to the
10:43:10 3 United States, to the state of Texas, or to any judgments that
10:43:13 4 are rendered against you. All other terms and special conditions
10:43:23 5 of the United States District Court for the Western District of
10:43:30 6 Texas in the standing order will be in full force and effect.

10:43:32 7 I'm going to fine you in this case \$10,000 for each
10:43:37 8 count for a total of \$30,000. And I assess the mandatory
10:43:49 9 assessment of \$100 per felony for \$300, which you must pay or
10:43:54 10 work off at your earliest opportunity.

10:43:57 11 I'm going to seal the presentence investigation.
10:43:59 12 Nobody has the right to have any of your personal information.
10:44:11 13 You have the right to execute a release if you want anybody to
10:44:15 14 review it. But, again, as I've indicated to your brother, don't
10:44:19 15 do that without calling and talking with your lawyer because I
10:44:22 16 don't believe that you want anybody to see contents of that. In
10:44:28 17 the event of any appeal -- and I anticipate appeal in this
10:44:30 18 case -- it will become part of the record.

10:44:38 19 My final obligation to you is to give you this letter
10:44:41 20 that Mr. Morris will go over with you. That is, you have 14 days
10:44:45 21 from today to file a notice of appeal, that is, to have Mr.
10:44:48 22 Morris file the notice of appeal if you wish to contest any part
10:44:53 23 of the jury conviction or any part of this sentence, you must
10:44:58 24 file the notice of appeal within 14 days, otherwise, you lose
10:45:03 25 that right.

10:45:05 1 I will put in there that I request, but it's just a
10:45:09 2 recommendation. I have no authority as to where the Bureau of
10:45:12 3 Prisons will put you, but I'll request that they put you in
10:45:17 4 Bastrop, as close to Austin as possible.

10:45:19 5 Anything further?

10:45:20 6 MR. MORRIS: Yes, your Honor. A couple of things.

10:45:22 7 The presentence report indicates that Mr. Yassine
10:45:26 8 around the time of the offenses was drinking excessively and has
10:45:30 9 had a problem over the years with drinking. If he is eligible,
10:45:33 10 I'd ask that the Court recommend comprehensive drug treatment
10:45:40 11 program.

10:45:41 12 THE COURT: Well, he's 36 years old. That's beyond the
10:45:46 13 point that I'll recommended. However, if he gets with a
10:45:49 14 counselor and he qualifies for the program and he sends me a
10:45:52 15 letter, I've never refused to approve it at that time. But I
10:45:55 16 will not approve it at this time and place it in the judgment.

10:46:00 17 MR. MORRIS: I ask that Mr. Yassine be allowed to
10:46:05 18 self-surrender. The Court, I believe, has received a report from
10:46:09 19 Pretrial Services indicating he's --

10:46:11 20 THE COURT: I have received the Pretrial Services.
10:46:15 21 What say the government?

10:46:17 22 MR. SOFER: We oppose that, your Honor, and believe the
10:46:19 23 defendant should be remanded at this time.

10:46:27 24 THE COURT: On the basis of what? The fact that --

10:46:30 25 MR. SOFER: The defendant has ties overseas, the same

10:46:33 1 arguments we made for detention at a lengthy hearing.

10:46:36 2 THE COURT: They let him out at the time he was
10:46:43 3 convicted because of personal circumstances.

10:46:46 4 If you'll give me your word that you will stand by the
10:46:51 5 conditions of your bond, I'll allow you to voluntary surrender
10:46:56 6 when the marshals contact you. It's kind of an obvious thing.
10:47:05 7 You've already had one person take off. You have the ability to
10:47:10 8 live anywhere in the world, your languages and family. On the
10:47:17 9 other hand, if you're serious and if your wife is serious about
10:47:21 10 trying to care for that baby, I'll allow you to do that. But you
10:47:27 11 will have to abide by all of the rules that you are doing it, and
10:47:34 12 you'll have to give me your word that you'll abide by them.

10:47:36 13 THE DEFENDANT: Absolutely, your Honor.

10:47:37 14 THE COURT: All right. Then you will --

10:47:39 15 THE DEFENDANT: Thank you.

10:47:40 16 THE COURT: You will report when and where the United
10:47:43 17 States Marshal tells you.

10:47:44 18 MR. MORRIS: Lastly, your Honor, as I'm required to do
10:47:48 19 to the effect --

10:47:48 20 THE COURT: Won't embarrass me for people to object to
10:47:51 21 my rulings. I'll feel left out, Mr. Morris.

10:47:56 22 MR. MORRIS: I'll make them particularly long then,
10:47:58 23 your Honor.

10:47:58 24 THE COURT: Good.

10:47:59 25 MR. MORRIS: Object that the sentence is procedurally

1 unreasonable and substantively unreasonable, specifically because
2 the sentence does not adequately take into account disparity of
3 sentencing with other defendants involved in these cases. The
4 circumstances of the offense as I've outlined in my argument and,
5 also, the circumstances of Mr. Yassine's home life, his need to
6 care for his son.

7 THE COURT: Well, for the record, I have carefully
8 looked at Mr. Yassine's earlier life before he met his present
9 wife, and the dissimilarity in sentences all have both factual
10 and legal significance, and those objections are overruled. I
11 sustained the objection that he was not the organizer of this
12 activity. He participated in it. He got in it. To make the
13 argument, for the record, that he was less culpable than anybody
14 other than his brother is a ridiculous argument, and the
15 objections are overruled.

16 But I will allow him on bond because of the condition
17 of his son and his wife's parents. Anything further?

18 MR. MORRIS: No, your Honor.

19 THE COURT: All right. We'll take a five-minute recess
20 and I'll take up the next case.

21 (End of proceedings.)
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UNITED STATES DISTRICT COURT)
WESTERN DISTRICT OF TEXAS)

I, LILY I. REZNIK, Official Court Reporter, United States District Court, Western District of Texas, do certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

I certify that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

WITNESS MY OFFICIAL HAND this the 8th day of April, 2013.

/S/ Lily I. Reznik
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